

AMENDED IN SENATE MAY 23, 2014

AMENDED IN ASSEMBLY APRIL 24, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 2562**

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**Introduced by Assembly Member Fong**

February 21, 2014

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An act to amend Section 5091 of the Education Code, to amend Sections 100, 105, 2102, 2107, 9020, 9285, 11302, 14300, 17301, ~~and~~ 17302, *and* 19202 of, and to repeal Section 10552 of, the Elections Code, relating to elections.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2562, as amended, Fong. Elections.

(1) Existing law provides that whenever a vacancy occurs or a resignation containing a deferred effective date has been filed with the county superintendent of schools, the school district or community college district governing board is required, within 60 days, to either order an election or make a provisional appointment. Existing law provides that if a provisional appointment is made, the registered voters of the district may, within 30 days, petition for a special election to fill the vacancy, and requires a specified number of registered voters of the district to sign the petition.

This bill would clarify the meaning of “registered voters” of the district for purposes of those provisions.

(2) Under existing law, a person may not be registered to vote except by affidavit of registration. Existing law requires a properly executed registration to be deemed effective upon receipt of the affidavit of registration by the county elections official if the affidavit is postmarked,

submitted to the Department of Motor Vehicles or a voter registration agency, or delivered to the county elections official by other means on or before the 15th day prior to the election.

This bill would also require the registration to be deemed effective upon receipt of the affidavit by the county elections official if the affidavit is submitted electronically on the Internet Web site of the Secretary of State on or before the 15th day prior to the election.

(3) Existing law entitles only an eligible registered voter to sign an initiative, referendum, recall, nominating petition or paper, or any other petition or paper and requires each signer to personally affix his or her signature, printed name, and place of residence on the petition or paper. Existing law requires the elections official, when verifying signatures on a petition or paper, to determine that the residence address on the petition or paper is the same as the residence address on the affidavit of registration. If the addresses are different, the petition or paper does not specify the residence address, or certain information is not included, existing law requires that the affected signature not be counted as valid.

This bill would prohibit an elections official who is verifying signatures on a petition or paper from invalidating a signature for an incomplete or inaccurate apartment or unit number in the residence address.

(4) Existing law requires the county elections official to file with the Secretary of State a statement containing specified information for each election in the county held pursuant to the Uniform District Election Law. Existing law requires the county elections official to file the statement no later than December 31 immediately following a general district election.

This bill would repeal these provisions.

(5) Existing provisions of the California Constitution and statute authorize the recall of state and local officers. Under existing law, if a vacancy occurs in office after a recall petition is filed against the vacating officer, the recall election is required to proceed. The vacancy in that office is required to be filled as provided by law, but a person appointed to fill the vacancy holds office only until a successor is selected and qualifies for that office.

This bill would delete and correct erroneous cross-references in this provision of law.

(6) Existing law regulates generally the issuing of ballots on election day as well as the use of direct recording electronic voting systems.

Existing law defines the terms “direct recording electronic voting system” and “paper record copy” for purposes of these provisions.

This bill would correct erroneous cross references to the code section that defines those terms.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5091 of the Education Code is amended  
2 to read:

3 5091. (a) (1) If a vacancy occurs, or if a resignation has been  
4 filed with the county superintendent of schools containing a  
5 deferred effective date, the school district or community college  
6 district governing board shall, within 60 days of the vacancy or  
7 the filing of the deferred resignation, either order an election or  
8 make a provisional appointment to fill the vacancy. A governing  
9 board member may not defer the effective date of his or her  
10 resignation for more than 60 days after he or she files the  
11 resignation with the county superintendent of schools.

12 (2) In the event that a governing board fails to make a  
13 provisional appointment or order an election within the prescribed  
14 60-day period as required by this section, the county superintendent  
15 of schools shall order an election to fill the vacancy.

16 (b) When an election is ordered, it shall be held on the next  
17 established election date provided pursuant to Chapter 1  
18 (commencing with Section 1000) of Division 1 of the Elections  
19 Code not less than 130 days after the order of the election.

20 (c) (1) If a provisional appointment is made within the 60-day  
21 period, the registered voters of the district may, within 30 days  
22 from the date of the appointment, petition for the conduct of a  
23 special election to fill the vacancy. A petition shall be deemed to  
24 bear a sufficient number of signatures if signed by at least the  
25 number of registered voters of the district equal to 1 ½ percent of  
26 the number of registered voters of the district at the time of the  
27 last regular election for governing board members, or 25 registered  
28 voters, whichever is greater. However, in districts with less than  
29 2,000 registered voters, a petition shall be deemed to bear a  
30 sufficient number of signatures if signed by at least 5 percent of

1 the number of registered voters of the district at the time of the  
2 last regular election for governing board members.

3 (2) The petition shall be submitted to the county superintendent  
4 of schools having jurisdiction who shall have 30 days to verify the  
5 signatures. If the petition is determined to be legally sufficient by  
6 the county superintendent of schools, the provisional appointment  
7 is terminated, and the county superintendent of schools shall order  
8 a special election to be conducted no later than the 130th day after  
9 the determination. However, if an established election date, as  
10 defined in Section 1000 of the Elections Code, occurs between the  
11 130th day and the 150th day following the order of the election,  
12 the county superintendent of schools may order the special election  
13 to be conducted on the ~~regular~~ *established* election date.

14 (3) For purposes of this section, “registered voters” means the  
15 following:

16 (A) If the district uses the at-large method of election, as defined  
17 in subdivision (a) of Section 14026 of the Elections Code,  
18 registered voters of the entire school district or community college  
19 district.

20 (B) If the district uses district-based elections, as defined in  
21 subdivision (b) of Section 14026 of the Elections Code, registered  
22 voters of the election district.

23 (d) A provisional appointment made pursuant to subdivision  
24 (a) confers all powers and duties of a governing board member  
25 upon the appointee immediately following his or her appointment.

26 (e) A person appointed to fill a vacancy shall hold office only  
27 until the next regularly scheduled election for district governing  
28 board members *that is scheduled 130 or more days after the*  
29 *effective date of the vacancy*, whereupon an election shall be held  
30 to fill the vacancy for the remainder of the unexpired term. A  
31 person elected at an election to fill the vacancy shall hold office  
32 for the remainder of the term in which the vacancy occurs or will  
33 occur.

34 (f) (1) If a petition calling for a special election is circulated,  
35 the petition shall meet all of the following requirements:

36 (A) The petition shall contain the estimate of the elections  
37 official of the cost of conducting the special election.

38 (B) The name and residence address of at least one, but not  
39 more than five, of the proponents of the petition shall appear on

1 the petition, each of which proponents shall be a registered voter  
2 of the school district or community college district, as applicable.

3 (C) None of the text or other language of the petition shall  
4 appear in less than six-point type.

5 (D) The petition shall be prepared and circulated in conformity  
6 with Sections 100 and 104 of the Elections Code.

7 (2) If any of the requirements of this subdivision are not met as  
8 to any petition calling for a special election, the county  
9 superintendent of schools shall not verify the signatures, nor shall  
10 any further action be taken with respect to the petition.

11 (3) No person shall permit the list of names on petitions  
12 prescribed by this section to be used for any purpose other than  
13 qualification of the petition for the purpose of holding an election  
14 pursuant to this section.

15 (4) The petition filed with the county superintendent of schools  
16 shall be subject to the restrictions in Section 6253.5 of the  
17 Government Code.

18 (g) Elections held pursuant to subdivisions (b) and (c) shall be  
19 conducted in as nearly the same manner as practicable as other  
20 governing board member elections.

21 SEC. 2. Section 100 of the Elections Code, as enacted by  
22 Section 2 of Chapter 920 of the Statutes of 1994, is amended to  
23 read:

24 100. (a) Notwithstanding any other provision of law, whenever  
25 an initiative, referendum, recall, nominating petition or paper, or  
26 any other petition or paper, is required to be signed by voters of a  
27 county, city, school district, or special district subject to petitioning,  
28 only a person who is an eligible registered voter at the time of  
29 signing the petition or paper is entitled to sign it.

30 (b) A signer shall at the time of signing the petition or paper  
31 personally affix his or her signature, printed name, and place of  
32 residence, including the street and number of the place of residence,  
33 and if no street or number for the place of residence exists, then a  
34 designation of the place of residence that will enable the location  
35 to be readily ascertained. An incomplete or inaccurate apartment  
36 or unit number in the signer's residence address shall not invalidate  
37 his or her signature pursuant to Section 105. A space at least one  
38 inch wide shall be left blank after each name for the use of the  
39 elections official in verifying the petition or paper.

1 (c) The part of a petition for the signatures, printed names, and  
2 residence addresses of the voters and for the blank spaces for  
3 verification purposes shall be numbered consecutively commencing  
4 with the number one and continuing through the number of  
5 signature spaces allotted to each section. The petition format shall  
6 be substantially in the following form:  
7

Official  
Use  
Only

(Print Name)	(Residence Address ONLY)	
1. _____ (Signature)	_____ (City)	
(Print Name)	(Residence Address ONLY)	
2. _____ (Signature)	_____ (City)	

SEC. 3. Section 100 of the Elections Code, as amended by Section 1 of Chapter 364 of the Statutes of 2009, is amended to read:

100. (a) Notwithstanding any other provision of law, whenever an initiative, referendum, recall, nominating petition or paper, or any other petition or paper, is required to be signed by voters of a county, city, school district, or special district subject to petitioning, only a person who is an eligible registered voter at the time of signing the petition or paper is entitled to sign the petition or paper. A person who submits his or her affidavit of registration pursuant to subdivision (d) of Section 2102 is not eligible to sign a petition or paper unless at the time of the signing of the petition or paper he or she is 18 years of age.

(b) A signer shall at the time of signing the petition or paper personally affix his or her signature, printed name, and place of residence, including the street and number of the place of residence, and if no street or number for the place of residence exists, then a designation of the place of residence that will enable the location to be readily ascertained. An incomplete or inaccurate apartment or unit number in the signer's residence address shall not invalidate

his or her signature pursuant to Section 105. A space at least one inch wide shall be left blank after each name for the use of the elections official in verifying the petition or paper.

(c) The part of a petition for the signatures, printed names, and residence addresses of the voters and for the blank spaces for verification purposes shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. The petition format shall be substantially in the following form:

Official  
Use  
Only

1 .	(Print Name) _____	(Residence Address ONLY) _____	
	(Signature) _____	(City) _____	
2 .	(Print Name) _____	(Residence Address ONLY) _____	
	(Signature) _____	(City) _____	

SEC. 4. Section 105 of the Elections Code is amended to read:

105. (a) (1) For purposes of verifying a signature on an initiative, referendum, recall, nomination, or other election petition or paper, the elections official shall determine that the residence address on the petition or paper is the same as the residence address on the affidavit of registration. If the addresses are different, or if the petition or paper does not specify the residence address, or, in the case of an initiative or referendum petition, the information specified in Section 9020 is not contained in the petition, the affected signature shall not be counted as valid.



(2) Notwithstanding paragraph (1), the elections official shall not invalidate a signature for an incomplete or inaccurate apartment or unit number in the signer's residence address.

(b) A signature invalidated pursuant to this section shall not affect the validity of another valid signature on the particular petition or paper.

SEC. 5. Section 2102 of the Elections Code, as amended by Section 2 of Chapter 899 of the Statutes of 2000, is amended to read:

2102. (a) A person may not be registered as a voter except by affidavit of registration. The affidavit shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed registration shall be deemed effective upon receipt of the affidavit by the county elections official if received on or before the 15th day prior to an election to be held in the registrant's precinct. A properly executed registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

(1) The affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.) on or before the 15th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in paragraphs (1) and (2) on or before the 15th day prior to the election.

(4) The affidavit is submitted electronically on the Internet Web site of the Secretary of State pursuant to Section 2196 on or before the 15th day prior to the election.

(b) For purposes of verifying a signature on a recall, initiative, or referendum petition or a signature on a nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both of the following conditions are satisfied:

(1) The affidavit is signed on the same date or a date prior to the signing of the petition or paper.

1 (2) The affidavit is received by the county elections official on  
2 or before the date on which the petition or paper is filed.

3 (c) Notwithstanding any other law to the contrary, the affidavit  
4 of registration required under this chapter shall not be taken under  
5 sworn oath, but the content of the affidavit shall be certified as to  
6 its truthfulness and correctness, under penalty of perjury, by the  
7 signature of the affiant.

8 SEC. 6. Section 2102 of the Elections Code, as amended by  
9 Section 2 of Chapter 364 of the Statutes of 2009, is amended to  
10 read:

11 2102. (a) A person may not be registered as a voter except by  
12 affidavit of registration. The affidavit shall be mailed or delivered  
13 to the county elections official and shall set forth all of the facts  
14 required to be shown by this chapter. A properly executed  
15 registration shall be deemed effective upon receipt of the affidavit  
16 by the county elections official if received on or before the 15th  
17 day prior to an election to be held in the registrant's precinct. A  
18 properly executed registration shall also be deemed effective upon  
19 receipt of the affidavit by the county elections official if any of  
20 the following apply:

21 (1) The affidavit is postmarked on or before the 15th day prior  
22 to the election and received by mail by the county elections official.

23 (2) The affidavit is submitted to the Department of Motor  
24 Vehicles or accepted by any other public agency designated as a  
25 voter registration agency pursuant to the federal National Voter  
26 Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.) on or  
27 before the 15th day prior to the election.

28 (3) The affidavit is delivered to the county elections official by  
29 means other than those described in paragraphs (1) and (2) on or  
30 before the 15th day prior to the election.

31 (4) The affidavit is submitted electronically on the Internet Web  
32 site of the Secretary of State pursuant to Section 2196 on or before  
33 the 15th day prior to the election.

34 (b) For purposes of verifying a signature on a recall, initiative,  
35 or referendum petition or a signature on a nomination paper or any  
36 other election petition or election paper, a properly executed  
37 affidavit of registration shall be deemed effective for verification  
38 purposes if both of the following conditions are satisfied:

39 (1) The affidavit is signed on the same date or a date prior to  
40 the signing of the petition or paper.

1 (2) The affidavit is received by the county elections official on  
2 or before the date on which the petition or paper is filed.

3 (c) Notwithstanding any other law to the contrary, the affidavit  
4 of registration required under this chapter shall not be taken under  
5 sworn oath, but the content of the affidavit shall be certified as to  
6 its truthfulness and correctness, under penalty of perjury, by the  
7 signature of the affiant.

8 (d) A person who is at least 17 years of age and otherwise meets  
9 all eligibility requirements to vote may submit his or her affidavit  
10 of registration as prescribed by this section. A properly executed  
11 registration made pursuant to this subdivision shall be deemed  
12 effective as of the date the affiant will be 18 years of age, if the  
13 information in the affidavit of registration is still current at that  
14 time. If the information provided by the affiant in the affidavit of  
15 registration is not current at the time that the registration would  
16 otherwise become effective, for his or her registration to become  
17 effective, the affiant shall provide the current information to the  
18 proper county elections official as prescribed by this chapter.

19 SEC. 7. Section 2107 of the Elections Code, as amended by  
20 Section 3 of Chapter 899 of the Statutes of 2000, is amended to  
21 read:

22 2107. (a) Except as provided in subdivision (b), the county  
23 elections official shall accept affidavits of registration at all times  
24 except during the 14 days immediately preceding an election, when  
25 registration shall cease for that election as to electors residing in  
26 the territory within which the election is held. Transfers of  
27 registration for an election may be made from one precinct to  
28 another precinct in the same county at any time registration is in  
29 progress in the precinct to which the elector seeks to transfer.

30 (b) The county elections official shall accept an affidavit of  
31 registration executed as part of a voter registration card in the  
32 forthcoming election if the affidavit is executed on or before the  
33 15th day prior to the election, and if any of the following apply:

34 (1) The affidavit is postmarked on or before the 15th day prior  
35 to the election and received by mail by the county elections official.

36 (2) The affidavit is submitted to the Department of Motor  
37 Vehicles or accepted by any other public agency designated as a  
38 voter registration agency pursuant to the federal National Voter  
39 Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.) on or  
40 before the 15th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in paragraphs (1) and (2) on or before the 15th day prior to the election.

(4) The affidavit is submitted electronically on the Internet Web site of the Secretary of State pursuant to Section 2196 on or before the 15th day prior to the election.

SEC. 8. Section 2107 of the Elections Code, as amended by Section 1 of Chapter 497 of the Statutes of 2012, is amended to read:

2107. (a) Except as provided in subdivision (b) and Article 4.5 (commencing with Section 2170), the county elections official shall accept affidavits of registration at all times except during the 14 days immediately preceding an election, when registration shall cease for that election as to electors residing in the territory within which the election is held. Transfers of registration for an election may be made from one precinct to another precinct in the same county at any time registration is in progress in the precinct to which the elector seeks to transfer.

(b) The county elections official shall accept an affidavit of registration executed as part of a voter registration card in the forthcoming election if the affidavit is executed on or before the 15th day prior to the election, and if any of the following apply:

(1) A mailed affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official before the close of the polls on election day.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.) on or before the 15th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in paragraphs (1) and (2) on or before the 15th day prior to the election.

(4) The affidavit is submitted electronically on the Internet Web site of the Secretary of State pursuant to Section 2196 on or before the 15th day prior to the election.

SEC. 9. Section 9020 of the Elections Code is amended to read:

9020. (a) The petition sections shall be designed so that each signer shall personally affix all of the following:

(1) His or her signature.

(2) His or her printed name.

(3) His or her residence address, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained. An incomplete or inaccurate apartment or unit number in his or her residence address shall not invalidate his or her signature pursuant to Section 105.

(4) The name of his or her incorporated city or unincorporated community.

(b) Only a person who is a qualified registered voter at the time of signing the petition is entitled to sign it.

(c) The number of signatures attached to each section shall be at the pleasure of the person soliciting the signatures.

*SEC. 10. Section 9285 of the Elections Code is amended to read:*

9285. (a) (1) ~~When an elections official receives an argument relating to a city measure that will be~~ *argument in favor and an argument against a measure have been selected to be printed in the ballot pamphlet, the elections official shall send a copy of an* ~~the argument in favor of the proposition measure to the authors of any the argument against the measure and a copy of an argument against the measure to the authors of any the argument in favor of the measure immediately upon receiving the arguments.~~

(2) The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

(3) No rebuttal argument may exceed 250 words.

(4) A rebuttal argument relating to a city measure shall be filed with the elections official no later than 10 days after the final filing date for primary arguments.

(5) A rebuttal argument relating to a city measure may not be signed by more than five persons and shall be printed in the same manner as a direct argument and shall immediately follow the direct argument which it seeks to rebut.

(b) Subdivision (a) applies only if, not later than the day on which the legislative body calls an election, the legislative body adopts its provisions by majority vote, in which case subdivision (a) applies at the next ensuing municipal election and at each municipal election thereafter, unless later repealed by the legislative body in accordance with the procedures of this subdivision.

1     ~~SEC. 10.~~

2     ~~SEC. 11.~~ Section 10552 of the Elections Code is repealed.

3     ~~SEC. 11.~~

4     ~~SEC. 12.~~ Section 11302 of the Elections Code is amended to  
5 read:

6     11302. If a vacancy occurs in an office after a recall petition  
7 is filed against the vacating officer, the recall election shall  
8 nevertheless proceed. The vacancy shall be filled as provided by  
9 law, but any person appointed to fill the vacancy shall hold office  
10 only until a successor is selected in accordance with Article 4  
11 (commencing with Section 11381), and the successor qualifies for  
12 that office.

13     ~~SECTION 1.~~

14     ~~SEC. 13.~~ Section 14300 of the Elections Code is amended to  
15 read:

16     14300. (a) In the case of an election for a state or federal office,  
17 each polling place using a direct recording electronic voting system,  
18 as defined by Section 19271, the elections official shall provide  
19 paper ballots equivalent to the following percentages:

20     (1) For a statewide general election, no less than 10 percent of  
21 the registered voters in the polling place.

22     (2) For a statewide direct primary election, for each partisan  
23 ballot form for which at least 10 percent of the registered voters  
24 in the polling place are eligible to request, no less than 5 percent  
25 of the registered voters in the precinct eligible to request that ballot  
26 form at the polling place. For nonpartisan voters, the total number  
27 of paper ballots among all ballot forms that they are eligible to  
28 request shall be no less than 5 percent of registered nonpartisan  
29 voters at the polling place.

30     (3) For any other state or federal election contest, no less than  
31 5 percent of registered voters at the polling place.

32     (4) For purposes of this section, the number of registered voters  
33 shall be based on the registration on the 88th day prior to the day  
34 of the election.

35     (b) The elections official shall establish procedures for the use  
36 of the paper ballots described in this section in the event the direct  
37 recording electronic voting system becomes nonfunctional.

38     (c) Upon request, the precinct board shall provide a paper ballot  
39 to a voter, regardless of the availability of the direct recording  
40 electronic voting system, as long as supplies remain available.

1 (d) The paper ballots described in this section may consist of  
2 provisional ballots.

3 (e) Any vote cast on a provisional ballot subject to this section  
4 by an otherwise qualified voter shall be counted as a regular ballot  
5 and shall not be subject to the requirements of Section 14310.

6 ~~SEC. 2.~~

7 *SEC. 14.* Section 17301 of the Elections Code is amended to  
8 read:

9 17301. (a) The following provisions shall apply to those  
10 elections where candidates for one or more of the following offices  
11 are voted upon: President, Vice President, United States Senator,  
12 and United States Representative.

13 (b) The packages containing the following ballots and  
14 identification envelope shall be kept by the elections official,  
15 unopened and unaltered, for 22 months from the date of the  
16 election:

- 17 (1) Voted polling place ballots.
- 18 (2) Paper record copies, as defined by Section 19271, if any, of  
19 voted polling place ballots.
- 20 (3) Voted vote by mail voter ballots.
- 21 (4) Vote by mail voter identification envelopes.
- 22 (5) Voted provisional voter ballots.
- 23 (6) Provisional ballot voter identification envelopes.
- 24 (7) Spoiled ballots.
- 25 (8) Canceled ballots.
- 26 (9) Unused vote by mail ballots surrendered by the voter  
27 pursuant to Section 3015.
- 28 (10) Ballot receipts.

29 (c) If a contest is not commenced within the 22-month period,  
30 or if a criminal prosecution involving fraudulent use, marking or  
31 falsification of ballots, or forgery of vote by mail voters' signatures  
32 is not commenced within the 22-month period, either of which  
33 may involve the vote of the precinct from which voted ballots were  
34 received, the elections official shall have the ballots destroyed or  
35 recycled. The packages shall otherwise remain unopened until the  
36 ballots are destroyed or recycled.

37 ~~SEC. 3.~~

38 *SEC. 15.* Section 17302 of the Elections Code is amended to  
39 read:

1 17302. (a) The following provisions shall apply to all state or  
2 local elections not provided for in subdivision (a) of Section 17301.  
3 An election is not deemed a state or local election if votes for  
4 candidates for federal office may be cast on the same ballot as  
5 votes for candidates for state or local office.

6 (b) The packages containing the following ballots and  
7 identification envelopes shall be kept by the elections official,  
8 unopened and unaltered, for six months from the date of the  
9 election:

10 (1) Voted polling place ballots.

11 (2) Paper record copies, as defined by Section 19271, if any, of  
12 voted polling place ballots.

13 (3) Voted vote by mail voter ballots.

14 (4) Vote by mail voter identification envelopes.

15 (5) Voted provisional voter ballots.

16 (6) Provisional ballot voter identification envelopes.

17 (7) Spoiled ballots.

18 (8) Canceled ballots.

19 (9) Unused vote by mail ballots surrendered by the voter  
20 pursuant to Section 3015.

21 (10) Ballot receipts.

22 (c) If a contest is not commenced within the six-month period,  
23 or if a criminal prosecution involving fraudulent use, marking or  
24 falsification of ballots, or forgery of vote by mail voters' signatures  
25 is not commenced within the six-month period, either of which  
26 may involve the vote of the precinct from which voted ballots were  
27 received, the elections official shall have the packages destroyed  
28 or recycled. The packages shall otherwise remain unopened until  
29 the ballots are destroyed or recycled.

30 *SEC. 16. Section 19202 of the Elections Code is amended to*  
31 *read:*

32 19202. (a) Except as authorized by Section 19209, a voting  
33 system, in whole or in part, shall not be used unless it has been  
34 certified or conditionally approved by the Secretary of State prior  
35 to any election at which it is to be used.

36 (b) A voting system that has been tested and approved for use  
37 in all elections by the Secretary of State before January 1, 2014,  
38 shall be deemed certified or conditionally approved by the  
39 Secretary of State and may be used in an election subject to any  
40 conditions placed on the use of the voting system by the Secretary



1 of State before January 1, 2014, including conditions imposed in  
2 the reapproval documents issued by the Secretary of State in 2007  
3 and 2008 following the Top-to-Bottom Review, and its subsequent  
4 revisions. The voting systems described in this subdivision shall  
5 remain subject to review and decertification by the Secretary of  
6 State at any time pursuant to Section 19232.

7 (c) A vendor or county that has submitted a voting system for  
8 federal qualification before ~~August~~ *September* 1, 2013, upon  
9 obtaining federal qualification before January 1, 2015, may request  
10 approval of the voting system from the Secretary of State based  
11 on the examination and review requirements in place before  
12 January 1, 2014.

13 (d) A jurisdiction shall not purchase or contract for a voting  
14 system unless it has been certified or conditionally approved by  
15 the Secretary of State.

16 (e) Notwithstanding subdivision (d), a local jurisdiction may  
17 contract and pay for the following:

18 (1) Research and development of a new voting system that has  
19 not been certified or conditionally approved by the Secretary of  
20 State and uses only nonproprietary software and firmware with  
21 disclosed source code, except for unmodified commercial  
22 off-the-shelf software and firmware, as defined in paragraph (1)  
23 of subdivision (a) of Section 19209.

24 (2) Manufacture of the minimum number of voting system units  
25 reasonably necessary for either of the following purposes:

26 (A) To test and seek certification or conditional approval of the  
27 voting system pursuant to Sections 19210 to 19214, inclusive.

28 (B) To test and demonstrate the capabilities of the voting system  
29 in a pilot program pursuant to paragraph (2) of subdivision (b) of,  
30 and subdivision (c) of, Section 19209.